IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Baleta, et al.	)	Group Art Unit: 2863
Serial No.: 10/723,176	)	Examiner: Le, Toan M.
Filed: November 26, 2003	)	Docket No. 712001.1010
For: Modular Telecommunication Test Unit	)	

DECLARATION UNDER 37 C.F.R. §1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Pere Baleta, Salvador Borras, Jordi Colomer, and Thomas Neher state as follows:

1.

We are coinventors of the inventions defined in the pending claims of the above-identified patent application and of the subject matter described therein.

2.

Prior to October 3, 2003, in Spain, we conceived the idea of a telecommunication test unit for evaluating the performance of one or more data links. Such a test unit has a rear module and a front module. The rear module has a power source for providing power to the various components of the test unit, and the front module controls the test unit and processes performance information indicative of the performance of one or more

data links being monitored by the test unit. Further, one or more application modules are removably coupled to the test unit between the front and rear modules. The front module, rear module, and one or more application modules are secured together in a stacking arrangement in which each module is stacked on another module. One or more application modules, when coupled to the test unit, are mechanically secured between the front and rear modules and are electrically connected to the rear module. In this regard, each module in the test unit is latched to another module via a mechanical latch. Further, each application module is also electrically coupled to a respective data link being monitored and provides performance information regarding this data link. In particular, each application module has an interface circuit coupled to the data link being monitored by the application module. Each application module also has a link processing circuit and connectors. Data received from the monitored data link via the interface circuit is converted by the link processing circuit for transfer to the front module over a test unit bus. The connectors are on both sides of the application module and provide bus connectivity between the front and rear module. Each application module can be removed from the test unit and, if desired, replaced with another application module. Further, each application module is configured to perform a different type of test, relative to the other application modules of the test unit, on the data link electrically coupled to it. Thus, a user can control and change which application modules are inserted into the test unit thereby changing the types of tests that can be performed by the test unit. Moreover, diagnostic information from each of the application modules is transmitted to control logic in the front module, and this control logic provides an output indicative of the diagnostic information.

3.

Prior to October 3, 2003, we disclosed our idea for the test unit described above in Paragraph 2 to others employed by Trend Communications, Inc. (hereinafter "Trend"), the assignee of the instant application. Based on our disclosure, Trend constructed or hired others to construct several test units in accordance with the above description in

Paragraph 2 prior to October 3, 2003, in Spain. These test units were successfully used to monitor at least one data link prior to October 3, 2003.

4.

Prior to October 3, 2003, a magazine advertisement for the test units described above in Paragraph 3 was published in Europe. A copy of this magazine advertisement is attached herewith as Exhibit A. Notably, the advertisement includes a picture of at least one of the working test units described above in paragraph 3.

Prior to October 3, 2003, Trend received a purchase order from a Spanish customer, Albura, for one of the test units described above in Paragraphs 2 and 3. A copy of this purchase order is attached herewith as Exhibit B. The purchase order is dated prior to October 3, 2003. Information pertaining to dates and purchase prices have been redacted from Exhibit B to prevent this information from being published via publication of the instant application or any patent issuing thereon.

Prior to October 3, 2003, Trend shipped a working test unit, as described above in Paragraphs 2 and 3, to Albura in accordance with the purchase order of Exhibit B. A copy of the invoice for this shipment is attached herewith as Exhibit C. Based on the model numbers included in the invoice, it can be determined that the shipped test unit included a front module, a rear module, and an application module, as described above in Paragraph 2. The invoice of Exhibit C is dated prior to October 3, 2003. Information pertaining to dates and purchase prices have been redacted from Exhibit C to prevent this information from being published via publication of the instant application or any patent issuing thereon. In accordance with Trend's normal operating procedures, the invoice of Exhibit C would have been issued on the same day of shipment. Thus, the invoice

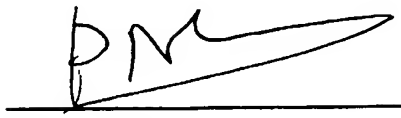
establishes that a test unit in accordance with Paragraphs 2 and 3 was shipped by Trend to Albura prior to October 3, 2003.

Prior to October 3, 2003, Trend shipped an additional application module to Albura in accordance with the purchase order of Exhibit B. A copy of the invoice for this shipment is attached herewith as Exhibit D. The invoice of Exhibit D is dated prior to October 3, 2003. Information pertaining to dates and purchase prices have been redacted from Exhibit D to prevent this information from being published via publication of the instant application or any patent issuing thereon. In accordance with Trend's normal operating procedures, the invoice of Exhibit D would have been issued on the same day of shipment. Thus, the invoice establishes that an additional application module was shipped by Trend to Albura prior to October 3, 2003.

8.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FURTHER DECLARANTS SAYETH NOT.



Pere Baleta

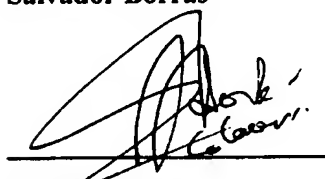
November 4th 2005

Date

Salvador Borras

November 4th 2005

Date



Jordi Colomer

November, 4th 2005

Date

Thomas Neher

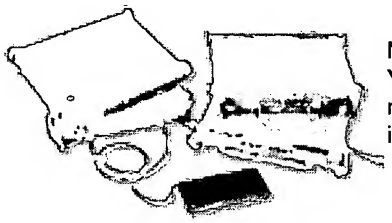
November 4th 2005

Date

TrendCommunications

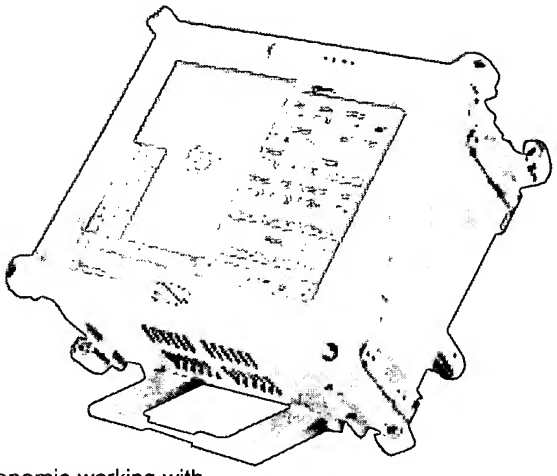
VictoriaCombo

Stackable Test Platform for Next Generation Networks



Modular, stackable, expandable. **YOU** can build the multi-interface, multi-technology instrument for **YOUR** individual SDH/SONET test applications.

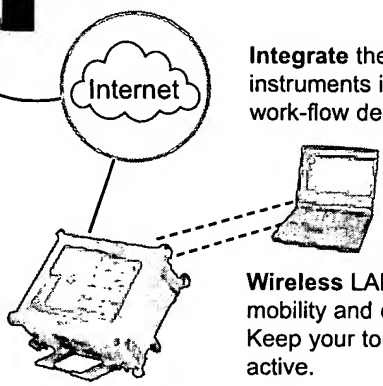
Battery operated, go-anywhere testing. Use power where available, battery where not. Robust design accepts the knocks of everyday field use.



Ergonomic working with unique **multi-position** desk leg

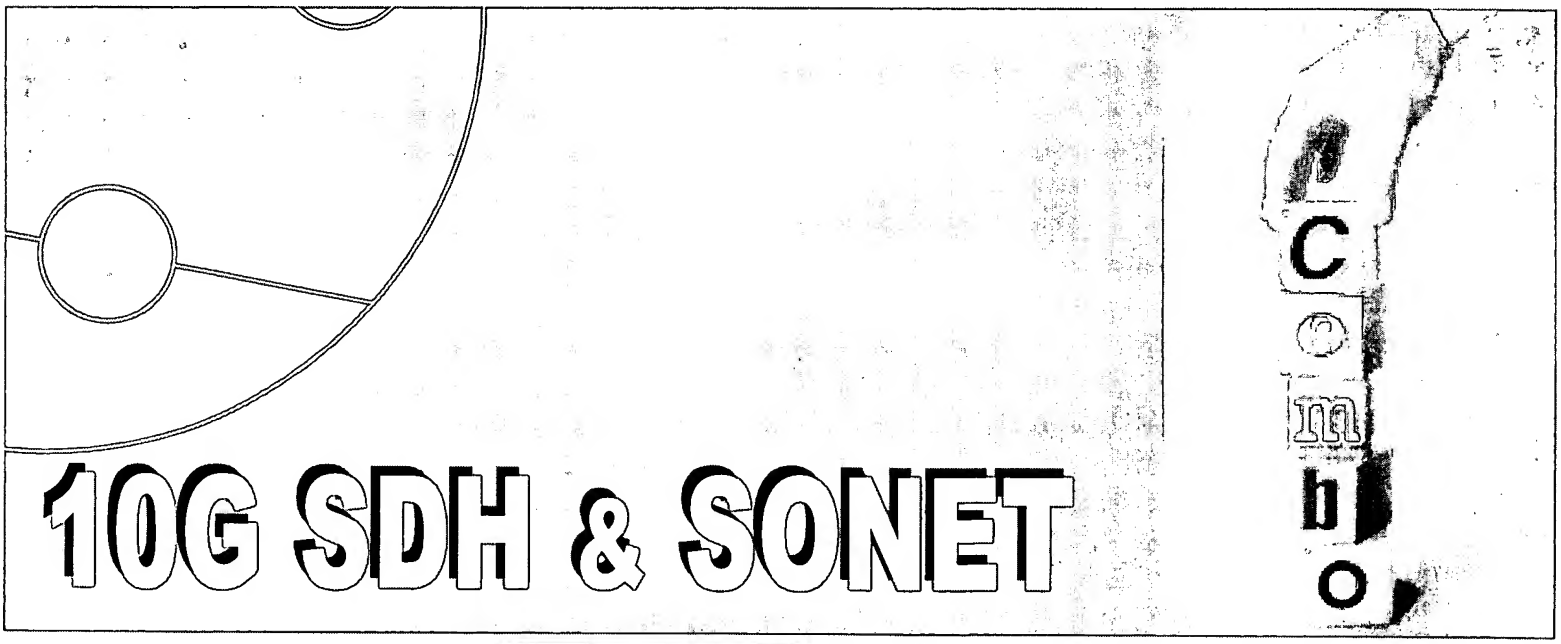
Unique user interface on a colour TFT **touchscreen**

TCP/IP connectivity allows **anyone** with a standard browser to control VictoriaCombo from **anywhere** through **any network**



Integrate the instruments in your work-flow devices

Wireless LAN mobility and control. Keep your toughbook active.



infoline@trendcomms.com
www.trendcomms.com

EXHIBIT
tabbies
A

TrendCommunications

Testing the World's Networks

(f)

RECIBIDO [redacted]

albura
fibra ful soluciones

PEDIDO Nº 42000111

FECHA: [redacted]

20525

TREND COMMUNICATIONS
A la Att. de: Jose Antonio Polo
C/ Pujades, 60
08005 Barcelona

PEDIDO

Página: 1 de 1

REFERENCIA DEL PROVEEDOR - S/Oferta: P20321 de fecha: [redacted]
CONDICIONES DE ENTREGA - En: Red Eléctrica Telecomunicac. fecha: [redacted]
A la Att.: Ger.Ing.Constr.Inf
Domicilio: Avda. de Bruselas, 20
28108-Alcobendas
Envio: Sus medios Porte: CPT Porte pagado Embalaje: Incluido
CONDICIONES DE FACTURACIÓN: 100% a la aceptación Moneda: Euro
Pago: Pago a 90 días, hasta el día 15 del mes
CONDICIONES DE CALIDAD: N/A

Pos	Código Material/Concepto/Especificación Técnica	UM	Cantidad	Precio Unit.	Importe(EUR)
0010	10025 Set Victoria COMBO para aplicaciones SDH/SONET a 10 y 2.5 Gbits/s(Analizador SDH STM-16 / STM-64)	UD	1		
0020	10025 Victoria 3060C (ANALIZADORES SDH STM-1 / STM-4)	UD	2		
0030	10025 Set Q8326- Medidor de fibra óptica ADVANTEST	UD	1		44

NOTAS:

-Observaciones de pedido
Coordinar con: Juan Mª Hernández

EXHIBIT
tabbies B

Director de Medios

IMPORTE BRUTO(EUR)
Dto./Cargo...( ) 0,00
IVA.....(16,00%)
TOTAL .....(EUR

PEDIDO SUJETO A NUESTRAS CONDICIONES GENERALES DE CONTRATACIÓN.
DEVOLVER UNA COPIA FIRMADA DE ESTE PEDIDO.
LAS FACTURAS DEBERÁN ENVIARSE AL DEPARTAMENTO DE CONTABILIDAD PARA PODER ATENDER LOS PAGOS EN LOS PLAZOS PREVISTOS.
ES IMPRESCINDIBLE HACER CONSTAR EL NÚMERO DE ESTE DOCUMENTO EN LUGAR DESTACADO DE ALBARANES, FACTURAS Y TODOS CUANTOS DOCUMENTOS SE REFIERAN A ESTE PEDIDO.

TrendCommunications

ISO 9001

AENOR ER Empresa Registrada ER-2901/95

RAZON SOCIAL Y DIRECCION / NAME AND ADDRESS	CIF / TAX ID.	FECHA / DATE
RED ELECTRICA ESPAÑOLA DE TELECOM. S.A. Pº CONDE DE LOS GAITANES 177 28100 ALCOBENDAS (Madrid) ESPAÑA A82806399 2130	ES03400168	[redacted]

PROVEEDOR / CUSTOMER #

AGENTE / REP. 166

DIRECCION FACTURA / DOCUMENT ADDRESS
RED ELECTRICA ESPAÑOLA DE TELECOM. S.A. ALBURA - RED ELECTRICA DE TELECOM. AVDA BRUSELAS,E.GORBEA 4 20 28108 ALCOBENDAS (Madrid) ESPAÑA 100886

Pagina/Page: 1

REF.	DESCRIPCION / DESCRIPTION	UDS / QTY	PRECIO / PRICE	IMPORTE / AMOUNT
	SU PEDIDO / YOUR ORDER: 42000111			
	ALBARAN / PACKING LIST: C2 /300644 [redacted] 001			
COMBO10	VICTORIA COMBO 10 Gbit/s CDISP N/S 02DB0008, CREAR N/S 02EB0008, C10 N/S 02FB0008, C10R N/S 02GB0008	1		
CP3FC	CABLE OPTICO FC-PC/FC-PC 3m	1		
CPFC3FCAPC	CABLE OPTICO FC-PC/FC-APC 3m	1		
CPFC2SCPC	CABLE OPTICO FC-PC/SC-PC 2m	1		
CPFC2SCAPC	CABLE OPTICO FC-PC/SC-APC 2m	1		
CA220	CABLE 75 Ohm BNC-BNC	2		
CA260	CABLE RS-232C 9M-9H	1		
MOCOMBOS	GUIA RAPIDA COMBO CASTELLANO	1		

Operación asegurada en Crédito y Caución

BASE IMPONIBLE	IVA	IMPORTE IVA	TOTAL FACTURA / TOTAL AMOUNT

VENCIMIENTOS / EXPIRY DATES	IMPORTES / AMOUNTS

MONEDA / CURRENCY	EUR EURO
FORMA DE PAGO / TERMS OF PAYMENT	2009 TRANSFER 90 DIAS FF.
DATOS BANCARIOS / BANK DETAILS	BANC DE SABADELL RBLA POBLENOU, 108 - BCN 0081 0065 10 0001061511

Pujades, 60 - 08005 Barcelona (Spain) - Tel. +34 93 300 3313 - Fax +34 93 309 2385 - www.trendcomms.com - info@ict.es

EXHIBIT C

tabbies

TrendCommunicati

ISO 9001

AENOR ER Empresa Registrada ER-2901/95

RAZON SOCIAL CLIENTE / CUSTOMER

RED ELECTRICA ESPAÑOLA DE TELECOM. S.A.
Pº CONDE DE LOS GAITANES 177
28100 ALCOBENDAS (Madrid)
ESPAÑA
A82806399

2130

PROVEEDOR / CUSTOMER #

AGENTE / REP. 16(

CIF

ES03400317 [redacted]

DIRECCION FACTURA / DOCUMENT ADDRESS

RED ELECTRICA ESPAÑOLA DE TELECOM. S.A.
ALBURA - RED ELECTRICA DE TELECOM.
AVDA BRUSELAS,E.GORBEA 4 20
28108 ALCOBENDAS (Madrid)
ESPAÑA

100886

Pagina/Page: 1

REF.	DESCRIPCION / DESCRIPTION	QTY	PRECIO/PRIC	IMPORTE/AMOUNT
	SU PEDIDO / YOUR ORDER: 42000111			
	ALBARAN / PACKING LIST: C2 /300645 [redacted]	001		
C25C4	MOD 2.5 Gbit/s COMBO DOBLE TX N/S 02IB0008	1		
C25561	PRESTACIONES AVANZADAS	1		
C25552	TEST DS-3	1		

				TOTAL FACTURA / TOTAL AMOUNT

VENCIMIENTOS / EXPIRY DATES — IMPORTE / AMOUNT

MONEDA / CURRENCY — CUENTA DE CARGO / CHARGE ACCOUNT — FORMA DE PAGO / PAYMENT

EUR EURO

2009 TRANSFER 90 DIAS FF.

BANC DE SABADELL
RBLA POBLENOU, 108 - BCN
0081 0065 10 0001061511

Pujades, 60 - 08005 Barcelona (Spain) - Tel. +34 93 300 3313 - Fax +34 93 309 2385 - www.trendcomms.com - info@ict.es

EXHIBIT
tabbies
D